

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Alaa M. K. A.,

Case No. 20-cv-1066 (SRN/HB)

Plaintiff,

v.

ORDER

Kilolo Kijakazi, Acting Commissioner
of Social Security,

Defendant.

Laura S. Melnick, Southern Minnesota Regional Legal Services, Inc., 55 East Fifth Street, Suite 400, St Paul, MN 55101 for Plaintiff Alaa M. K. A.

Elvi Jenkins, Social Security Administration. 1301 Young Street, Dallas, TX 75202 for Defendant Kilolo Kijakazi, Acting Commissioner of Social Security.

This matter is before the Court on Plaintiff's Motion for Summary Judgment [Doc. No. 16], Defendant's Motion to Remand [Doc. No. 24], Defendant's Motion for Summary Judgment [Doc. No. 36], and the Report and Recommendation issued by Magistrate Judge Hildy Bowbeer on July 1, 2021 [Doc. No. 39]. No party has objected to the Report and Recommendation.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Doc. No. 16] is **GRANTED IN PART** and **DENIED IN PART** as set forth fully in the Report and Recommendation;
2. Defendant's Motion to Remand [Doc. No. 24] is **GRANTED**;
3. Defendant's Motion for Summary Judgment [Doc. No. 36] is **DENIED**;

4. The final decision of the Commissioner of Social Security is **REVERSED** and the case is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g), with the following directives:

- a. The ALJ must consider Dr. Sharma's March 7, 2016 treatment note and assign weight to Dr. Sharma's opinions, explain the weight given to those opinions, and give specific reasons for the weight assigned;
- b. The ALJ must reconsider Dr. Kroupin's October 2018 declaration in light of the errors described in the Report and Recommendation;
- c. The ALJ must consider Dr. Kroupin's May 2019 declaration in light of the errors described in the Report and Recommendation;
- d. Plaintiff may submit an additional declaration from Dr. Kroupin concerning the decrease in Plaintiff's functioning a week or two after his arrival in the United States after he learned he would not be reunited with his deceased brother;
- e. The ALJ must reconsider Dr. Karayusuf's opinion in light of the errors described in the Report and Recommendation; and
- f. The ALJ must re-evaluate whether Plaintiff has a medically determinable mental impairment and, if so, whether that impairment is severe.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 16, 2021

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge